

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

WILLIAM CARTER KING,)
Plaintiff,)
v.)
TONY CHOATE, *et al.*,)
Defendants.) No. 2:11-cv-0117
 Judge Sharp
 Magistrate Judge Brown

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, recommending,

- 1) defendants’ motions for summary judgment (Docs. 124, 139) be **GRANTED**;
- 2) this case be **DISMISSED** with prejudice for failure to state a claim under 42 U.S.C. § 1983; 3) the order accepting and adopting this R&R constitute the **FINAL JUDGMENT** in this action; 4) any appeal **NOT** be certified as taken in good faith under 28 U.S.C. § 1915(a)(3); 5) any pending motions be **TERMINATED** a moot.

(Docket Entry No. 269 at 15). A response in opposition was filed to the R & R. (Docket Entry No. 278). Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R of the Magistrate Judge.

Accordingly, the Court hereby rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 269) is hereby **ACCEPTED** and **APPROVED**;
- (2) The *Motion for Summary Judgment Filed on Behalf of Defendant Tony Choate* (Docket Entry No. 124) is hereby **GRANTED**;
- (3) *Defendant Faye Smith’s Motion for Summary Judgment* (Docket Entry No. 139) is hereby **GRANTED**;

- (4) All other pending motions are hereby TERMINATED as moot;
- (5) This case is hereby DISMISSED WITH PREJUDICE; and
- (6) The Court hereby certifies that any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE